

STATE DRIVING BUSINESSES LICENSURE BOARD

Bureau of Occupational Licenses

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

Board Meeting Minutes of 11/15/2017

BOARD MEMBERS PRESENT: Robert M Fenn - Chair
Sally K Phillips
Theresa A Bradford
Faith A Todd
C Randal Willie

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Cesley Metcalfe, Technical Records Specialist
Deborah Sexton, Management Assistant

The meeting was called to order at 9:35 AM MST by Robert M Fenn.

INTRODUCTION OF NEW BOARD MEMBER

Mr. Fenn introduced and welcomed Randal Willie to the Board and Ms. Cory introduced Bureau staff.

APPROVAL OF MINUTES

Ms. Todd made a motion to approve the minutes of September 29, 2017. It was seconded by Ms. Phillips. Motion carried.

EXECUTIVE ORDER

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory also updated the Board on the information and process for public comment which has been added to the Board's website. Ms. Phillips was formerly authorized to work with Ms. Cory on a response but stated her intention to step down from the Board. Ms. Bradford made a motion to authorize Mr. Fenn to work with Ms. Cory on a response to the Executive Order. It was seconded by Ms. Todd. Motion carried.

Mr. Fenn updated the Board on the Executive Order meeting on 10/12/2017 with Lieutenant Governor Little. Mr. Fenn stated that Lieutenant Governor

Little gave an overview of the Executive Order and explained that the purpose of the review is to ensure the lightest possible hand of government regulating commerce and industry while still preserving the public trust.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$67,929.31 as of 10/31/17.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadlines to submit proposed rule and law revisions to the Governor's Office have passed for the 2018 Legislative Session. The proposed fee rule has been submitted to the Governor's Office and will be discussed later in the meeting. The deadline to submit a final pending rule is 11/24/17. The deadline to submit proposed law changes to the Governor's Office is Mid-July and the deadline to submit proposed rule changes to the Governor's Office is Mid-August for the 2019 Legislative Session.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

DISCUSSION ON PROPOSED RULE

The Board reviewed the current draft of the proposed rule for fee reductions. The Board discussed its budget and the impact of multiple upcoming expenditures. The Board reviewed the effect on the budget of several fee scenarios. No action was taken.

BUSINESS AUDIT FORM

Ms. Hall presented the Board with a revised draft of the proposed driving business audit form. The Board directed Ms. Hall to make changes to the business audit form, the new business application and the renewal application. Ms. Todd made a motion to approve the business audit form, the new business application, and the renewal application with changes. It was seconded by Ms. Bradford. Motion did not carry. After further discussion, Ms. Todd made a motion to approve the business audit form with additional changes and present it to the Chair for approval. It was seconded by Ms. Bradford. Motion carried.

BUSINESS AUDIT PROCESS

The Board discussed the audit process. Ms. Todd made a motion for Bureau staff to work with Mr. Willie to draft a letter to all private driving businesses

explaining the new audit process and bring the letter back to the Board for review at its January meeting. It was seconded by Mr. Willie. Motion carried.

Ms. Todd made a motion that starting in September 2018, the Board will audit a random 33.3% of private driving businesses over the next three years so everyone is audited 100% by the end of the third year. It was seconded by Ms. Bradford. Motion did not carry.

After further discussion, Ms. Todd made a motion for Bureau staff to work with Mr. Willie to amend the draft letter to all private driving businesses explaining the new audit process. It was seconded by Ms. Bradford. Motion did not carry.

Ms. Todd made a motion to audit 33.3% of businesses over the next three years so everyone is audited 100% by the end of the third year. It was seconded by Ms. Bradford. Motion did not carry.

Ms. Todd made a motion that starting in September 2018, the Board will audit 33.3% of private driving businesses over the following three years so that 100% of the private driving businesses are audited by the end of the third year and to approve Mr. Willie to work with Bureau staff on a letter to all licensees explaining the audit process. It was seconded by Ms. Bradford. Motion carried.

Ms. Todd made a motion to authorize Mr. Fenn and Ms. Cory to contact the Department of Transportation regarding distribution of driver's training permit fees. It was seconded by Ms. Phillips. Motion carried

APPRENTICE PROGRAMS ON BOARD WEBSITE

Ms. Metcalfe presented the Board a revised draft of a form to send to the driving businesses currently listed on the website as approved apprentice programs. Ms. Todd made a motion for Bureau staff to amend the form as directed and present it to the Board Chair for approval prior to the next meeting. It was seconded by Ms. Bradford. Motion carried.

NEW BUSINESS

PROPOSED RULE COMMENTS AND ACTION

The Board reviewed a comment on the proposed fee rule from the Idaho Association of Professional Driving Businesses (IAPBD). The Board discussed multiple scenarios pertaining to the reduction of fees and the expenses of the Board to execute its charge to promote public safety. Ms. Todd made a motion to direct the Bureau to edit Rule 175.01(d) to drop the original business license fee and renewal fee from \$250 to \$125 and submit that as a pending fee rule for the 2018 Legislature. It was seconded by Ms. Bradford. Motion carried.

POSSIBLE LAW AND RULE CHANGES

Discussion on business insurance was added as a future agenda item for a potential rule change.

CORRESPONDENCE

The Board reviewed correspondence from the Idaho Association of Professional Driving Businesses (IAPBD) and directed Bureau staff to respond with a letter regarding the proposed fee revision.

The Board reviewed correspondence from an individual who was seeking direction on the requirements for an adult to provide driving instruction to adult refugees. Ms. Phillips made a motion to authorize Bureau staff to draft a response stating that the Board does not regulate the teaching of anyone eighteen (18) or over and that all individuals involved would just need to comply with the Idaho driving laws. It was seconded by Mr. Willie. Motion carried.

EXECUTIVE SESSION

Ms. Phillips made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Todd. The vote was: Mr. Fenn, aye; Ms. Phillips, aye; Mr. Willie, aye; Ms. Bradford, aye; and Ms. Todd, aye. Motion carried.

Ms. Bradford made a motion to come out of executive session. It was seconded by Mr. Willie. The vote was: Mr. Fenn, aye; Ms. Phillips, aye; Mr. Willie, aye; Ms. Bradford, aye; and Ms. Todd, aye. Motion carried.

NEXT MEETING was scheduled for January 26, 2017 at 9:30 AM.

ADJOURNMENT

Ms. Bradford made a motion to adjourn the meeting at 12:38 PM. It was seconded by Mr. Willie. Motion carried.

Robert M Fenn, Chair

Sally K Phillips

Theresa A Bradford

Faith A Todd

C Randal Willie

Tana Cory, Bureau Chief